IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 3077 2004

Between:

Karamkote Krishnaji, S/o. Ramachanderji,
R/o. Nawabpet Village and Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Union of India, Ministry of Finance, [Banking Division],

Jeevandeep Buildings, Sansad Marg, New Delhi.
2 State Bank of Hyderabad rep., by its Chief Manager [ADB], Region-V,

Zonal Office, Varakantam Complex, Kachiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring the provisions of Section 13[2] of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as unconstitutional and violative of Articles 14 and 21 of the Constitution of India, and consequently declare the notice issued by the 2nd respondent dated 26.12.2003 as illegal and direct the respondents not to take coercive steps against the petitioners for recovery of loan amount.

Counsel for the Petitioner : Mr.V.RAJAGOPAL REDDY

Counsel for Respondent No.1: Mr.ARAJASHEKAR REDDY (Sr.SC FOR CG)

Counsel for Respondent No.2 : Mr.K.KESHAVARDHAN REDDY

(SC FOR SBH)

The Court made the following :

ORAL ORDER (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is therefore, dismissed. No costs.

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DEVINDER GUPTA, CJ

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C.V.RAMULU, J

Date: 14.9.2004

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To

1 The Secretary to Government of India, Ministry of Finance,
[Banking Division], Jeevandeep Buildings, Sansad Marg, New Delhi.
2 The Chief Manager (ADB), State Bank of Hyderabad, Region-V,

Zonal Office, Varakantam Complex, Kachiguda, Hyderabad.

3 Two CD copies.